

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

----- X
MAMIYA AMERICA CORPORATION,

Plaintiff,

-against-

HUAYI BROTHERS, INC.,

Defendant.
----- X

ORDER

09-CV-5501 (ENV) (JO)

VITALIANO, D.J.

Plaintiff Mamiya America Corporation (“Mamiya”) brought this action on December 16, 2009 against defendant HuaYi Brothers, Inc. (“HuaYi”) pursuant to the Lanham Act, alleging trademark infringement, cyberpiracy, and unfair competition. Defendant was served with the Complaint on January 19, 2010. After defendant failed to appear or otherwise respond to the Complaint, plaintiff moved for default judgment on April 12, 2010. On May 20, 2010, the Court granted plaintiff’s motion for default judgment and referred the action to Magistrate Judge James Orenstein to conduct an inquest.

Following a review of the relevant submissions, Magistrate Judge Orenstein issued a Report and Recommendation (“R&R”) on March 11, 2011, recommending that judgment be entered against defendant in the amount of \$36,612.65, reflecting \$25,000.00 in statutory damages, \$2,013.70 in pre-judgment interest on those damages, \$8,970.00 in attorneys’ fees, and \$628.95 in other costs. Judge Orenstein further recommended that the Court issue a permanent injunction and an Order directing HuaYi to cease using the domain name profotoconnect.com and transferring that domain name to Mamiya. No objections to Judge Orenstein’s R&R have been

timely filed.

In reviewing a report and recommendation, the court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's report and recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Magistrate Judge Orenstein's R&R to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Accordingly, for the reasons stated in the R&R, the plaintiff is awarded \$25,000.00 in statutory damages, \$2,013.70 in pre-judgment interest on those damages, \$8,970.00 in attorneys' fees, and \$628.95 in other costs, for a total of \$36,612.65. The Court also enters this Order permanently enjoining HuaYi from using the domain name profotoconnect.com and directing HuaYi to transfer that domain name to Mamiya forthwith.

The Clerk is directed to enter Judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
March 31, 2011

s/ENV

ERIC N. VITALIANO
U.S.D.J.